

## **REMARKS**

### **I. Introduction**

Claims 1-21 are pending in this application. Claims 1, 8, and 15 have been amended. Applicant respectfully submits that no new matter has been added. Applicant respectfully requests reconsideration of the application in view of the above amendments and the following remarks.

### **II. Objection to Interpretation of Claim 1**

The Office Action begins by citing MPEP § 2111, which states that during patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification. Applicant respectfully submits that the Office Action interpretation of claim 1 does not appear to be the broadest reasonable interpretation *consistent with the specification*. MPEP § 2111 states that, "It is the use of the words in the context of the written description and customarily by those skilled in the relevant art that accurately reflects both the 'ordinary' and the 'customary' meaning of the terms in the claims." MPEP § 2111.01 (citing *Ferguson Beauregard/Logic Controls v. Mega Systems*, 350 F.3d 1327, 1338 (Fed. Cir. 2003)). Applicant respectfully submits that the Office Action fails to give the claim language its ordinary and customary meaning as explained below.

#### **A. Translated Edits**

The specification explains that, "These change handling instructions are referred to as 'edits' as understood in the health care industry or various other industries." See page 9, lines 10-11. The specification also states on page 10, lines 11-16 that:

The term "edits" historically was used to describe the process of correcting information in a data file. While the edits still refer to correcting information, the term "edits" in the health care industry for insurance claims provides for a directive to correct information that is incorrect or to reject claims that do not comply with business rules established by a payer. In other words, the edits may be considered statements of situations that cause an error to occur to hinder payment or processing of final adjudication of a particular insurance claim.

The specification further states that, "The translation grammar is used to translate the edits into translated edits that may more readily be filtered by a set of knowledge-base-population rules." *See* page 32, lines 10-13. Applicant respectfully submits that at least for the reasons given above, the term translated edit is not a converted input such as a digital numeric representation of an alphanumeric or analog input, but rather statements of situations that cause an error to occur to hinder payment or processing of final adjudication of a particular insurance claim as is well known in the relevant art.

#### B. Method Call

The specification states that "a method of the edit is called to effect population of the knowledge base" wherein the method is specialized for edit objects whose translations match the pattern of the corresponding knowledge-base-population rule. *See* page 38, lines 9-10; *see also* page 38, line 21 to page 39, line 1. Applicant respectfully submits that the interpretation given by the Office Action (doing anything ... such as storing something) attempts to combine the elements of executing and populating and would ultimately vitiate the executing a method call.

The above illustrative examples and remarks show that the interpretation proposed in the Office Action appears to not be the "broadest *reasonable* interpretation *consistent with the specification.*" *See* MPEP § 2111 (emphasis added).

### III. The 35 U.S.C. § 101 Rejection

Claims 1-21 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

More particularly, the Office Action rejects the claims on the basis that they have not been limited to a substantial practical application because the knowledge base has been interpreted to be abstract. Specifically, the Office Action states that "The phrase 'populating the knowledge base' is not clear in purpose or scope."

Applicant respectfully submits that knowledge bases are well known in the art and a populated knowledge base is a useful, concrete, and tangible result with many practical applications, at least one of which is set forth in the specification. The specification states that the knowledge base "may be made up of a collection of facts and rules that constitute the

information model usable by the system." See page 20, lines 19-21. Claim 1 has been amended to clarify this aspect of the knowledge base.

The Office Action also states that, "The claims are directed to abstract manipulation of abstract data, the data being labeled as an 'edit,' and are therefore directed to mere abstract ideas." Applicant respectfully disagrees. The specification defines not only *edit*, but also *translated edit* and also points out that the term *edit* is well known in the art. See page 9, lines 10-11; *see also* page 10, lines 11-16.

In view of the above, Applicant respectfully submits the claims are in condition for allowance and respectfully requests that the 35 U.S.C. § 101 rejections be withdrawn.

#### **IV. The 35 U.S.C. § 102 Rejection**

Claims 1-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Carrer ("An Annotation Engine for Supporting Video Database Population"). Applicant respectfully submits that Carrer does not teach or suggest each and every element of the claims.

The Office Action rejects claims 1, 8, and, 15 as being anticipated by Carrer. Independent claim 1 relates to a method of populating a knowledge base. Applicant respectfully submits that Carrer fails to teach or suggest at least one of the distinguishing features of independent claim 1, namely, filtering a translated edit via at least one knowledge-base-population rule to determine a match between a syntax of the translated edit and a syntax of the knowledge-base-population rule.

Independent claim 8 relates to an article of manufacture for populating a knowledge base used in validating medical claims. Applicant respectfully submits that Carrer fails to teach or suggest at least one of the distinguishing features of independent claim 8, namely, having at least one processor to operate as to filter a translated edit via at least one knowledge-base-population rule to determine a match between the translated edit and the knowledge-base-population.

Independent claim 15 relates to a system for populating a knowledge base. Applicant respectfully submits that Carrer fails to teach or suggest at least one of the distinguishing features

of independent claim 15, namely, a means for filtering a translated edit via at least one knowledge-base-population rule to determine a match between a syntax of the translated edit and a syntax of the knowledge-base-population rule.

Carrer relates to editing raw video. Carrer does not teach the claimed feature of filtering a translated edit via at least one knowledge-base-population rule to determine a match between a syntax of the translated edit and a syntax of the knowledge-base-population rule. The Office Action appears to equate an edited video clip that has been translated semi-automatically through an annotation process in Carrer to the translated edits found in the claims. As disclosed above, the term *translated edit*, as used in the claims is not an edited video clip. Carrer also does not teach the claimed feature of determining a match between a syntax of the translated edit and a syntax of the knowledge-base-population rule. The specification states that, "The translated edits obtained in step 802 are applied to knowledge-base-population rules in order to determine when a syntax of a given knowledge-base-population rule and syntax of the translated edit match." See page 36, line 20-page 37, line 1. Carrer fails to teach at least the claimed feature of filtering a translated edit via at least one knowledge-base-population rule to determine a match between a syntax of the translated edit and a syntax of the knowledge-base-population rule. Applicant respectfully submits that Carrer does not teach each and every aspect of the claimed invention and respectfully requests that the 35 U.S.C. § 102(b) rejections be withdrawn.

Dependent claims 2-7, 9-14, and 16-21 depend from and further limit independent claims 1, 8, and 15 in a patentable sense. Therefore, each of the dependent claims is deemed to distinguish over the above-cited reference for at least the same reasons as those stated above with respect to the rejection of independent claims 1, 8, and 15. Withdrawal of the rejection of claims 2-7, 9-14, and 16-21 as anticipated by Carrer is respectfully requested.

In view of the above, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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